12-20-02

PTO/SB/29 (10-00)

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OIPE
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PATENT & TRADEMARK OFFICE

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
[X] DUPLICATE

Address to: **Assistant Commissioner for Patents**
Box CPA
Washington, D. C. 20231

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Technology Center 2100

Attorney Docket No. of Prior Application 42390P12215
First Named Inventor Parrott
Examiner Name Hunt, E.
Group Art Unit 2152
Express Mail Label No. EV177134620US

This is a request for a [X] continuation or [___] divisional under 37 CFR 1.53(d) (continuation prosecution application (CPA)) of prior application No: 09/385,315 ____, filed on August 30, 1999 , entitled Infrared to Radio Frequency Adapter and Method for Using the Same

If the Patent and Trademark Office determines that this request under 37 CFR 1.53(d) is improper, the Office is requested to treat this CPA as a request for continued examination of the above identified application under 37 CFR 1.114.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application practice," Final rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ___ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.

2. X A preliminary amendment is enclosed.

3. ___ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

 ___ a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

 ___ b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ___ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. ___ Information Disclosure Statement (IDS) is enclosed:

 a. ___ PTO – 1449
 b. ___ Copies of IDS Citations

12/23/2002 CVU111 00000081 09385315
01 FC:1006 740.00 OP
02 FC:1201 252.00 OP
54.00 OP

CLAIMS

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 CFR 1.16(c) or (j))	23 – 20* =	3	X $ 18.00 =	$ 54.00
Independent Claims (37 CFR 1.16(b) or (j))	6 – 3**=	3	X $ 84.00 =	$ 252.00
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ $ =	$
			BASIC FEE (37 CFR 1.16(a))	$ 740.00
			Total of above Calculations =	$ 1046.00
			Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	$
			TOTAL =	$ 1046.00

* Reissue claims in excess of 20 and over original patent.
** Reissue independent claims over original patent.

6. ____ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. X The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-2666.

 a. X Fees required under 37 CFR 1.16.

 b. X Fees required under 37 CFR 1.17.

 c. ____ Fees required under 37 CFR 1.18.

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8. X A check in the amount of $ 1046.00 is enclosed.

9. ____ Payment by credit card. Form PTO-2038 is attached.

10. ____ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ____ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ____ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
 b. X Return Receipt Postcard (Should be specially itemized, See MPEP 503)

13. ____ **Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. (Reminder: First investigate foreign filing question).**

14. ____ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

____ Customer Number or Bar Code Label
OR

(Insert Customer No. or Attach Bar Code Label here)

X New Correspondence Address Below

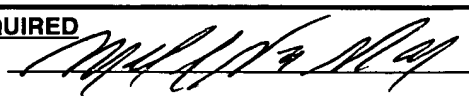
NAME Libby Hope, Esq.

ADDRESS 12400 Wilshire Blvd., 7th Floor

CITY Los Angeles STATE CA ZIP CODE 90025-1030

COUNTRY U.S.A. TELEPHONE 303-740-1980 FAX 303-740-6962

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Mark Van Ness SIGNATURE 

REGISTRATION NO. 39,865 DATE December 18, 2002

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DEC 18 2002
PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT ($) $1046.00

Complete if Known:
Application No. 09/385,315
Filing Date August 30, 1999
First Named Inventor Parrott
Group Art Unit 2152
Examiner Name Hunt, E.
Attorney Docket No. 42390P12215

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METHOD OF PAYMENT (check one)

1. [X] **The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:**

 Deposit Account Number 02-2666
 Deposit Account Name

 [] **Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17**

 [] **Applicant claims small entity status. See 37 CFR 1.27**

2. X **Payment Enclosed:** X **Check**
 _____ **Money Order**
 _____ **Other**

FEE CALCULATION

1. **BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	740	2001	370	Utility application filing fee	740.00
1002	330	2002	165	Design application filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional application filing fee	

SUBTOTAL (1) $740.00

2. **EXTRA CLAIM FEES**

			Extra Claims		Fee from below		Fee Paid
Total Claims	23	– 20** =	3	X	18.00	=	54.00
Independent Claims	6	– 3** =	3	X	84.00	=	252.00
Multiple Dependent						=	

****Or number previously paid, if greater; For Reissues, see below.**

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) $306.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	740	2810	370	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,280	1454	1,280	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) $ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Mark Van Ness

Signature: _____ Date: December 18, 2002

Reg. Number: 39,865 Telephone Number: 303-740-1980